



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/504,939	02/16/2000	Christopher R. Stephens	ADT0001-US	6632

7590 02/25/2008
ADAPTIVE TECHNOLOGIES, INC.
25812 N. 67TH DRIVE
PEORIA, AZ 85383

EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
----------	--------------

3696

MAIL DATE	DELIVERY MODE
-----------	---------------

02/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. Receipt of the applicant's amendment filed 11/20/2007 is acknowledged. Claims 24-39, 46-61 and 67-76 are pending in the application and are presented to be examined upon their merits.

Response to Arguments

2. Applicant's arguments filed 11/20/2007 have been fully considered but they are not persuasive. References determining obviousness are not read in isolation but for what they fairly teach in combination with the prior art as a whole, thus patent assignee's reference-by-reference attack, particularly of Schutzer to demonstrate non-obviousness is not persuasive [see *In re Merck*, 231 USPQ 375 (CAFC)]. In this case the primary reference, Schulzer, discloses the use of intelligent agents for financial transactions, services accounting and advice. The secondary reference, Pollock, discloses architecture for an artificial agent that reasons defeasibly. The 35 USC 103(a) rejection previously set forth provided reasoning for the combination of references and resolve the level of ordinary skill in the art. The Examiner respectfully submits that the applicant can not show non-obviousness by attacking references individually, where as here the rejections were made based upon a combination of references. As to the discussion of management of agents, such teaching is suggested in the previous office action whereby the system provides a means for distributing artificial agents and financial recommendations are monitored. The failure of Schutzer creating a new agent and how it would be modified by the secondary reference was previously discussed and is identically addressed in this action where

Art Unit: 3696

creation of a new agent was being compared to an ability for the agent to change and be provided with to a new set of information which makes it behave differently.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 24-39, 46-61 and 67-76 rejected under 35 U.S.C. 103(a) as being unpatentable over Schutzer (US 5,920,848) in view of Pollock (Us 5,706,406)

Schutzer discloses a consulting system, as in clams 24-30, that proves a means for distributing artificial agents (see “intelligent agent server site,” column 7, lines 26-33),

An agent factory monitors financial recommendations (see column 4, lines 27-40);

Having a graphic user interface (see GUI/Internet browser) that is ***configured to display*** recommendations/ reports/alarms (see column 7, lines 10-12; column 8, lines 55-61; and column 11, lines 26-47);

Schulter discloses that the users may modify the payment instructions of the artificial agent to be customized to their particular needs (see Schulter, column 3, lines 5-61), but fails to disclose creating a new artificial agent per se. Pollock discloses the fact that the replacement of

Art Unit: 3696

artificial agents are supplied by updated information to the agent which allows it to perform alternative functions (see Pollock, Abstract, column 2, lines 18+). Thus it would have been obvious for artisan to have considered that the ability for the artificial agent of Schutzer to be customized to fit the needs the customer would provide an essentially new artificial agent as discussed in Pollock because the artificial agent would be provided with information that would make it “behave” within predetermined levels or within required rules or criteria. Thus to create a new artificial agent would essential be to impart to it different or updated data when it failed to provide an expected outcome (see Pollack, column 1, lines 39+). Thus creating new agents is considered the ability of the artificial agent to “adapt” and change its behavior in new way by supplying the agent(s) new information as suggested by Schutzer (see column 3, lines 51-61).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel S Felten
Primary Examiner
Art Unit 3696

/D. S. F./
Primary Examiner, Art Unit 3696
2/18/2008

/Daniel S Felten/
Primary Examiner, Art Unit 3696